IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 162 OF 2006

Mrs. Sapna Sanjeev Kohli ... Applicant.

V/s.

Union of India and Anr. ... Respondents.

Mr. A.H.H. Ponda, for the Applicant.

Mr. D.N. Salvi, for the Respondent No.1.

Mr. S.V. More, A.P.P. for the State.

CORAM : A.S. OKA, J.
DATE : 7th SEPTEMBER, 2006.

P.C. :

1. Heard learned Counsel appearing for the Parties. the learned Additional Sessions Judge by an order dated 22nd December 2005 permitted the complainant to go abroad to Dubai for certain period. By the said order the applicant was directed to furnish additional local sureties of Rs.5.00 lacs. The Applicant was directed to deposit additional cash amount of Rs.7.00 lacs with the Additional Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai. The applicant filed a Criminal Revision Application in this Court for challenging the conditions imposed by the learned Additional Sessions Judge. The Criminal Revision Application was disposed of by an order dated 9th January 2006. This Court modified the order passed by the learned Additional Sessions Judge to a limited extent by directing that instead of furnishing additional local sureties of Rs.5 las, the Applicant will

furnish one or two local sureties for the amount of Rs.10.00 lacs. Thereafter, an application was filed being Application No.25 of 2006 in this Court seeking modification of order dated 9th January 2006. Necessary modification was made by this Court. The said order of modification was passed on 7th February 2006.

3. By this application which is filed on 7th August 2006, the Applicant is seeking further modification to the order of the Sessions Court dated 22nd December 2005 by deleting the condition of requirement of cash deposit of Rs.7.00 lacs. The learned Counsel for the Applicant submitted that surety amount may be enhanced and subject to that condition, the sum of Rs.7.00 lacs deposited by the Applicant be refunded to the Applicant.

4. I have considered the submissions. the Applicant had filed Revision Application in this court for challenging the conditions imposed under the order dated 22nd December 2005. A limited modification was made by this Court in the said order. The Applicant availed of the benefit under the said order.

5. By filing this Application in August 2006, now the Applicant is seeking refund of the amount. The Applicant has availed of the behefit under the order dated 22nd December 2005. In a Revision Application preferred by the applicant, this court did not modify the order regarding

deposit of Rs.7,00,000/-. Therefore, no case is made out for modification. However, the Trial Court will have to invest the sum of Rs.7.00 lacs deposited by the Applicant in a fixed deposit.

6. Hence, Application is rejected. However, the Trial Court is directed to invest the sum of Rs.7.00 lacs deposited by the Applicant in any Nationalised Bank. The fixed deposit shall be made initially for a period of three years and thereafter, the same shall be renewed on yearly basis till the disposal of the main case.

JUDGE